

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:21 CR 177 CDP
)
RODERICK MITCHELL,)
)
Defendant.)

ORDER

This matter is before the Court on defendant Roderick Mitchell's motion to suppress firearm and magazine seized during warrantless search. All pretrial matters in this case were referred to United States Magistrate Judge Nannette A. Baker under 28 U.S.C. § 636(b). Judge Baker held an evidentiary hearing and thereafter filed her Report and Recommendation, which recommended that the motion be denied. Defendant has not filed any objections to the Report and Recommendations and his time for doing so has expired.

After fully considering the motions and the Report and Recommendation, the Court will adopt and sustain the thorough reasoning of Magistrate Judge Baker set forth in support of her recommended rulings issued on April 6, 2022. The evidence presented at the hearing establishes that there was no violation of

defendant's rights in the vehicle search that resulted in the seizure of the firearm and ammunition.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#64] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motion to suppress firearm and magazine seized during warrantless search [#55] is denied.

The parties are reminded that this case is set for jury trial on **May 23, 2022** and a final pretrial and *Frye* hearing is set for **May 9, 2022**. I reiterate the instruction provided in the order setting those dates [#65]: **If for any reason the parties do not believe the case should be reached on the date it is set, they are urged to file—as soon as possible and in any event well before the May 9 final pretrial hearing—any appropriate motions to continue or to set the case for a change of plea. Failure to do so could result in the waste of Court resources and the unnecessary delay of other cases that need to go to trial.**


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of May, 2022.